IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO.1883 OF 2004

Smt.Manisha L.Shah alias Manisha
Jayesh Kesaria & Ors. ...Petitioners.

Vs.

Shree Alankar Co-operative Housing Society
Ltd. & Ors. ...Respondents.

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Mr. Janak Dwarkadas with Ms.Vimal Tiwari for the Petitioners.
Mr. G. W. Mattos, A. G. P. for Respondent No.2.
Mr. J. Reis with Mr. Y. M. Chaudhari for Respondent No.3.
Ms. A. K. Savla for Respondent No.4.

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CORAM : DALVEER BHANDARI,C.J. &
DR.D.Y.CHANDRACHUD, J.

August 31, 2004.

P.C.:

This petition has been filed by the owners of various individual shops situated at Alankar Co-operative Society, Andheri (West), Mumbai. They have been occupying the said shops from the time of formation of respondent No.1-Society. The petitioners submit that originally respondent No.1-Society was registered as a tenant-co-partnership type of Housing Society and it appears to have been registered in the year 1964. All the shopkeepers-

petitioners became nominal members of the Society. According to the petitioners, from the plain reading of bye-law No.6, it is clear that the petitioners are entitled to become full-fledged members of respondent No.1-Society and respondent No.1 cannot refuse full-fledged membership on the basis of Bye-law No.7a which itself is contrary to the provisions of the Maharashtra Co-operative Societies Act, 1960.

It may be pertinent to mention that a similar matter (Writ Petition No.6017 of 2002) came up for consideration before this Court (Khandeparkar, J.) on 14th January 2003. While dealing with the writ petition, His Lordship gave directions that respondent No.3 will not be precluded from issuing fresh directions for amendment of the model byelaws if it is found so necessary in the interest of the society. The learned counsel appearing for respondent No.2 submits that the State is willing to reconsider the entire matter in the interest of the society. In this view of the matter, let the State reconsider the matter after giving hearing to all the affected parties. No further directions are necessary. This petition is

accordingly disposed of.

The parties to act on an ordinary copy of this order duly authenticated by the office of this Court.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.